RICHARD J. PEPSNY, P.A.
a professional corporation
240 Maple Avenue
Red Bank, NJ 07701
(732) 842-8505
Attorney for Debtor
Richard J. Pepsny, Esq. appearing
RP-8958

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

IN RE:	:
	: CASE NO. **10-43233-RTL**
THOMAS CARHUFF, JR.	:
	: CHAPTER 7
	:
	: **NOTICE OF MOTION TO REDEEM PROPERTY AS EXEMPT AND APPROVING POST-PETITION SECURED FINANCING PURSUANT TO 11 U.S.C. § 364(d)**
Debtors.	:
	: Hearing Date: January 3, 2011 at 10:00 a.m.
	: Oral Argument Waived

TO: Chase
201 North Central Avenue
Phoenix, AZ 85004

PLEASE TAKE NOTICE that on January 3, 2011 at 10:00 a.m. or soon thereafter as counsel may be heard, the undersigned attorney for the Debtors will apply to the Honorable Judge then presiding of the United States Bankruptcy Court, **Trenton**, NJ for an Order pursuant to 11 U.S.C. § 364(d) approving post-petition secured financing to allow the debtors to redeem property claimed as exempt pursuant to 11 U.S.C. § 722.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney you may wish to consult one).

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If you do not want the Court to grant this relief requested in this motion, or if you want the Court to consider your views on the motion, then on or before January 3, 2011, you or your attorney must file with the Court a response explaining your position at the following address:

Clerk, United States Bankruptcy Court
US Courthouse
402 East State Street
Trenton, NJ 08608

If you mail your response to the Court for filing, you must mail it early enough so the Court will receive it on or before the date stated above.

You **must** also mail a copy to:

Richard J. Pepsny, Esquire
RICHARD J. PEPSNY, P.A.
240 Maple Avenue
Red Bank, NJ 07701,

and to the other parties who are addressed in this Motion.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion and may enter an order granting that relief.

If you do not want the Court to enter an order for the relief sought and you have filed a written response by January 3, 2011, you or your attorney must attend the hearing scheduled on January 3, 2011 at 10:00 a.m. before the Honorable Raymond T. Lyons, U.S.B.J., United States Bankruptcy Court, 402 East State Street, Trenton, New Jersey 08608, Courtroom 8.

PLEASE TAKE FURTHER NOTICE that pursuant to Local Rule 9013-1(f), the annexed Certification will be relied upon in support of this application and the Movant's counsel shall not appear for oral argument unless responsive papers are timely filed and served contesting the relief sought.

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(732) 842-8505

Dated: December 15, 2010

/s/ Richard J. Pepsny
RICHARD J. PEPSNY, ESQUIRE

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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

IN RE:	:
	: CASE NO. **10-43233-RTL**
THOMAS CARHUFF, JR.	:
	: CHAPTER 7
	:
	: **STATEMENT OF NON-NECESSITY**
	: **OF BRIEF PURSUANT TO LOCAL**
Debtor.	: **RULE 9013-2**
	:
	: Hearing Date: January 3, 2011 at 10:00 a.m.
	: Oral Argument Waived

I, Richard J. Pepsny, Esquire, hereby certifies as follows:

1. I am an attorney at law in the State of New Jersey, and the attorney for the movant and Debtors herein. I am actually entrusted with the management of this case and I have complete knowledge as to the factual circumstances in connection with this proceeding.

2. The within motion seeks an order pursuant to 11 U.S.C. § 364(d) approving post-petition secured financing to allow the debtors to redeem property claimed as exempt pursuant to 11 U.S.C. § 722.

3. The relief requested does not present complicated questions of fact or unique issues of law, and, therefore, briefs would be minimal use in this matter.

4. In view of the above, no brief is necessary in this action as provided by Local Rule 9013-2.

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5. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are false, I am subject to punishment.

Dated: December 15, 2010

/s/ Richard J. Pepsny, Esquire
Richard J. Pepsny, Esquire

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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

IN RE:	:
	: CASE NO. **10-43233-RTL**
THOMAS CARHUFF, JR.	:
	: CHAPTER 7
	:
	: **CERTIFICATION IN SUPPORT OF**
	: **MOTION TO REDEEM**
	: **PROPERTY AS EXEMPT AND**
	: **APPROVING POST-PETITION**
	: **SECURED FINANCING PURSUANT TO**
	: **11 U.S.C. § 364(d)**
Debtors.	:
	: Hearing Date: January 3, 2011 at 10:00 a.m.
	: Oral Argument Waived

I, Thomas Carhuff, Jr., hereby certify as follows:

1. I am the Debtor herein and as such we have complete knowledge as to the factual circumstances in connection with this proceeding.

2. This Certification is made in support of the Motion for an Order pursuant to 11 U.S.C. §364(d) approving post-petition secured financing to allow the Debtor to redeem property claimed as exempt.

JURISDICTION

3. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334. This is a core proceeding within the meaning of 28 U.S.C. § 157. Venue of the Debtor's Chapter 7 case in this district is proper under 28 U.S.C. §§ 1408 and 1409. The statutory predicates for

the relief requested are 11 U.S.C. §722, and 11 U.S.C. §364(d) and Federal Rule of Bankruptcy Procedure 4001.

BACKROUND

1. Debtors filed a petition for relief under Chapter 7 of the Bankruptcy Code on October 27, 2010.

2. At the time of filing, debtors claimed as exempt personal property their 2004 Toyota 4Runner (hereafter "Car", in which collateral, Chase ("Chase") is a secured creditor. At the time of filing, debtors owed to Chase approximately $12,367.00.

3. The debtors use their Car primarily for personal, family and household use, and it was claimed as exempt property pursuant to 11 U.S.C. § 522.

4. At the time of filing, the Car was in fair condition, with approximately 171,000 miles.

5. Upon further estimation, it is believed that the fair market value of the car at the time of filing was **$5,300.00** as reflected by the Kelley Blue Book suggested trade-in value, a copy of which is attached hereto and incorporated by reference herein.

6. By way of post petition qualification for a loan (which loan is also conditioned upon court Approval of this motion and entry of the discharge order), Debtors are in a position to redeem their Car, for cash, from Chase, pursuant to 11 U.S.C. § 722.

7. The Debtors have pre-qualified for a refinance of the car upon the following proposed terms: loan amount $6,000.00, interest rate 6.0% fixed-rate, term 2-years, monthly payments $300.00. The loan amount is inclusive of the legal fees and costs associated with this motion.

8. The proposed lender is the Debtor's daughter and son-in-law, Corinne Carhuff-Pickell and Lee Pickell, whose address is 191 Corbin Court, Lakewood, NJ 08701.

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9. The refinance should be approved because it will benefit the debtor and the debtor's estate.

RELIEF REQUESTED

10. Wherefore, debtors respectfully request that they be allowed to redeem their Car from Chase by paying the sum of **$5,300.00** within 30 days of the entry of such an order, or within 30 days of the entry of discharge, whichever occurs later, and that Chase release its secured interest and/or lien, and transfer title to the Car, free and clear, to: Corinne Carhuff-Pickell and Lee Pickell, debtor's postpetition lender, within 10 days of receipt of said funds and a conformed copy of the order herein.

11. I also seek approval of my attorney's fees in connection with this motion in the amount of $700.00.

12. I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false I am subject to punishment.

Dated: December 15, 2010

/s/ Thomas Carhuff, Jr.
Thomas Carhuff, Jr.

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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

IN RE:	:
	: CASE NO. **10-43233-RTL**
THOMAS CARHUFF, JR.	:
	: CHAPTER 7
	:
	: **PROOF OF MAILING**
	: **AND CERTIFICATION**
Debtors.	:
	: Hearing Date: January 3, 2011 at 10:00 a.m.
	: Oral Argument Waived

PROOF OF MAILING: On December 15, 2010 the undersigned e-mailed to the following, a copy of the Notice of Motion, Certification, Statement of Non-Necessity of Brief, and Proposed Order, at their respective addresses to, or to the email address shown:

Chase
201 North Central Avenue
Phoenix, AZ 85004

John Michael McDonnell, Chapter 7 Trustee
Trenk DiPasquale, et al.
115 Maple Avenue
Suite 201
Red Bank, NJ 07701
jmcdonnell@trenklawfirm.com

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: December 15, 2010

/s/ Richard J. Pepsny, Esquire
Richard J. Pepsny, Esquire

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